

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

NUFIX, INC. AND KEN HORTON,

PLAINTIFFS,

v.

BACTERIN INTERNATIONAL, INC.,

DEFENDANT.

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Case No.: 2:08-CV-01418-RDP

NOTICE OF VOLUNTARY DISMISSAL

COMES NOW the Plaintiffs, NuFix, Inc. and Ken Horton, pursuant to Federal Rule of Civil Procedure 41(a)(1) and hereby dismiss this action against the Defendant, Bacterin International, Inc. pursuant to settlement with each party to bear its own costs. Since the Defendant has not served an answer or filed a motion for summary judgment, the dismissal of this action requires no action by this Court.

/s/ James A. Hoover

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document by Notice of Electronic Filing, or, if the party served does not participate in Notice of Electronic Filing, by U.S. First Class Mail, hand delivery, fax or email on this the 18th day of December, 2008:

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